

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,)
BI-LEVEL PAP, AND MECHANICAL) Master Docket: Misc. No. 21-1230
VENTILATOR PRODUCTS)
LITIGATION,) MDL No. 3014
)
This Document Relates to: All Actions)
Asserting Economic Loss Claims)

**NOTICE OF FILING OF AMENDMENT TO PROPOSED CLASS SETTLEMENT
AGREEMENT OF ECONOMIC LOSS CLAIMS AND RELEASE**

Proposed Settlement Class Representatives, through proposed Settlement Class Counsel, hereby file an amendment to the proposed Class Settlement Agreement of Economic Loss Claims and Release agreed to by the Parties (attached hereto as Exhibit "A"). The Settlement Agreement was filed as Ex. "A" to Proposed Settlement Class Representatives' Brief in support of their Motion for Preliminary Approval of same (ECF No. 2213), was amended on September 14, 2023 (ECF No. 2237-1), and was further amended on September 25, 2023 (ECF No. 2263-1 at pp. 98-267). The instant amendment reflects the Parties' agreement that Settlement Class Counsel will submit to the Court for approval, either as part of, or subsequent to, the Final Fairness Hearing, a motion for an award of attorneys' fees and reimbursement of costs and expenses in the aggregate amount of \$95,000,000. The Philips Defendants have agreed not to oppose the motion. The Parties have agreed that upon approval by the Court, the awarded attorneys' fees, costs and expenses will be paid by, or on behalf of, the Philips Defendants in addition to the compensation provided to Settlement Class Members under this Settlement, and any award of attorneys' fees, costs and expenses shall not diminish the recovery of Settlement Class Members under the Settlement.

Dated: October 5, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed via the Court's CM/ECF system on this 5th day of October 2023, and will be served to Counsel for Defendants via email.

/s/ D. Aaron Rihn
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